

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-12, 14, 15, 17-20 and 23-25 are currently pending in the application.

Claims 1, 10, and 17 have been amended. No claims have been added. Claim 15 has been cancelled. Therefore, claims 1-12, 14, 17-20 and 23-25 are present for examination. Claims 1, 10, 17 are independent claims.

Prior to entry of this amendment, the application included claims 1-12, 14-15, 17-20 and 23-25. An office action mailed June 20, 2008, objected to the specification for lacking support for the limitations of claims 15, 17-20 and 23-25. Claims 1 and 10 were objected to because of certain informalities, specifically the phrases "wherein the receives an incoming phone call" and "should be routed to the one or more wired phones should be sent the incoming phone call", respectively. Claims 1, 3-4, 8-11, 15, 17-20, 23 and 24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0160780 A1 issued to Mukerjee et al. ("Mukerjee"). Claims 12, 14 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mukerjee in view of U.S. Patent No. 6,816,582 issued to Levine et al. ("Levine"). Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mukerjee in view of U.S. Patent No. 7,162,020 issued to Forte ("Forte"). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mukerjee in view of U.S. Patent Publication No. 2004/0170268 issued to Hakusui ("Hakusui"). Claims 1-4, 8-12, 14-15, 17-21 and 23-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Forte in view of Levine. Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Forte in view of Hakusui.

Specification

The specification was objected to for lacking support for the limitations of claims 15, 17-20 and 23-25. Claim 15 was cancelled rendering the objection to claim 15 moot. Claim 17 was amended to remove the language to which the Examiner objected. Thus, objections to claims 17-20 and 23-25 are now moot.

Claim Objections

Claims 1 and 10 have been objected to because of certain informalities, specifically the phrases "wherein the receives an incoming phone call" and "should be routed to the one or more wired phones should be sent the incoming phone call", respectively. Claims 1 and 10 have been amended, and the objection is now moot.

Claim Rejection Under 35 U.S.C. 102

Claims 1, 3-4, 8-11, 15, 17-20, 23 and 24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Mukerjee. Applicants respectfully request reconsideration of the rejection because either the Examiner has failed to show a *prima facie* case of anticipation or the amendments overcome the rejection. Indeed, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." *See MPEP §706.02, Original Eighth Edition, August, 2001, Latest Revision July 2008.* Mukerjee fails to show all the claim limitations.

Claim 1:

Missing Limitation: "a third communication channel coupled to an Internet and coupled to one or more SIP phones"

Claim 1 requires "a third communication channel coupled to an Internet and coupled to one or more SIP phones." There is no mention in the Mukerjee reference of a communications channel coupling the demarcation device to the Internet. A review of Figs. 1-6 shows no such communication channel. As such, claim 1 is allowable over Mukerjee for at least this reason.

Missing Limitation: "the demarcation device interposed between the second communication channel and the wired phones"

Claim 1 requires "the demarcation device interposed between the second communication channel and the wired phones." It should be noted that embodiments of the demarcation device is interposed between any incoming communication channel at a user facility and any phone disposed in the user facility. Applicants hope that the present amendments more

clearly define this element. As such, Mukerjee fails to show the network interface (indicated as being equivalent to the demarcation device) is interposed between the second communication channel and the wired phones.

Examiner cited Fig. 2 of Mukerjee and paragraphs [0043] and [0044] as showing the disposition of the network interface. *See Office Action*, p. 6. The cited paragraphs state as follows:

[0043] FIGS. 3-6 illustrate the general operation of an advantageous embodiment of the present invention. In FIG. 3, *the subscriber's published number dialed from originating station 120 corresponds to wired station 150 and terminates on switch 140 (which may be an end office, PBX or a known equivalent thereof)*. As will be discussed below in greater detail, switch 140 routes the call to network interface 160 without ringing wired station 150. Thereafter, network interface 160 acts as point of control for the call. After determining that the dialed number corresponds to a subscriber of the services and identifying the subscriber's MIN via SDB 167, network interface 160 offers/routes the call to MSC 135 in wireless network 130, which will conventionally page (via base station 136) and thereafter instruct mobile station 170 to ring. After a suitable delay T(CR1) corresponding to mobile station ring initiating time T.sub.1 (discussed below), network interface 160 also offers/routes the call to switch 140 to ring wired station 150. Accordingly, wired station 150 and mobile station 170 ring concurrently until either station is answered.

[0044] In FIG. 4, the subscriber's published number dialed from originating station 120 corresponds to the MIN associated with mobile station 170 and terminates on MSC 135 in wireless network 130. Like the example illustrated in FIG. 3, the call is routed to network interface 160 to act as point of control for the call. MSC 135 routes the call to network interface 160 without ringing mobile station 170. After determining that the dialed MIN corresponds to a subscriber of the services and identifying the subscriber's CPID and/or route to extension via SDB 167, network interface 160 offers/routes the call to MSC 135 in wireless network 130, which conventionally pages (via base station 136) and thereafter instructs mobile station 170 to ring. After a suitable delay T(CR1) corresponding to mobile station ring initiating time T.sub.1 (discussed below), network interface 160 also offers/routes the call to switch 140 to ring wired station 150. Accordingly, wired station 150 and mobile station 170 ring concurrently until either station is answered. *Mukerjee, ¶¶ [0043] and [0044] (emphasis added).*

As shown in the cited paragraphs, the network interface 160, which is noted as the equivalent to the demarcation device, is not interposed between the second communications

channel and the wired phones. Rather, the switch 140 is interposed in the line and routes calls to the network interface. As such, Mukerjee has a different configuration than that claimed in claim 1. Claim 1 is allowable over Mukerjee for at least this reason.

Missing Limitation: “the demarcation device disposed at a user facility”

Claim 1 requires “the demarcation device disposed at a user facility.” There is no mention in the Mukerjee reference of network interface being disposed at a user facility. A review of Fig. 2 shows the network interface outside the user facility, which is denoted by phone 150. This interpretation is bolstered by the description *“the subscriber's published number dialed from originating station 120 corresponds to wired station 150 and terminates on switch 140 (which may be an end office, PBX or a known equivalent thereof).”* Mukerjee, ¶ [0043] (*emphasis added*). Mukerjee does not show this limitation in the cited sections of the reference. Thus, claim 1 is allowable over Mukerjee for at least this reason.

Claims 2-9 :

Claims 2-9 depend either directly or indirectly from allowable independent claim 1. As such, claims 2-9 are allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 10:

Claim 10 includes similar limitations to claim 1. As such, claim 10 is allowable over the cited art for the same or similar reasons as claim 1.

Claims 11-12 and 14:

Claims 11-12 and 14 depend either directly or indirectly from allowable independent claim 10. As such, claims 11-12 and 14 are allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 17:

Claim 17 includes similar limitations to claim 1. As such, claim 17 is allowable over the cited art for the same or similar reasons as claim 1.

Claims 18-20 and 23-25:

Claims 18-20 and 23-25 depend either directly or indirectly from allowable independent claim 17. As such, claims 18-20 and 23-25 are allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument or rejection not directly addressed herein. Rather, Applicants believe the amendments and argument included herein overcome all rejections.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Tadd F. Wilson
Reg. No. 54,544

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
T3W:s5s/slb
61511862 v1